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F# 2006V00609

**FILED**  
**IN CLERK'S OFFICE**  
**U.S. DISTRICT COURT, E.D.N.Y.** **ORIGINAL**  
**★ JUL 21 2006 ★**

- - - - - **BROOKLYN OFFICE**

UNITED STATES OF AMERICA

PRELIMINARY ORDER OF  
FORFEITURE

- against -

06-CR-0160 (JG)

JOANNE SIMONETTI,

Defendant.

- - - - - - - - - X

WHEREAS, in the above-captioned criminal action, the United States of America sought the forfeiture of specific properties, or in the alternative, substitute assets, of the defendant JOANNE SIMONETTI, pursuant to 18 U.S.C. § 982; and

WHEREAS, on July 18, 2006, the defendant, JOANNE SIMONETTI entered a plea agreement with the United States, and agreed, *inter alia*, to plead guilty to Count One of the Indictment charging her with theft of bank funds, in violation of 18 U.S.C. § 656; and

WHEREAS, the defendant JOANNE SIMONETTI, *inter alia*, has as part of her Plea Agreement with the United States, agreed to the entry of an Order of Forfeiture against the defendant, and to a Forfeiture Money Judgment in the amount of \$1,200,000.00 against her, and to forfeit to the United States all right, title and interest in any and all properties constituting or derived from

proceeds traceable to the offenses contained in the Indictment; and

WHEREAS on July 18, 2008 this Court accepted the defendant's guilty plea; and

WHEREAS, by virtue of the Defendant having pled guilty and waived all her constitutional, legal and equitable defenses and rights to the forfeiture allegations of the Indictment, the United States is now entitled to possession of the Forfeiture Money Judgment in the amount of \$1,200,000.00 pursuant to 18 U.S.C. § 982 and Fed. R. Crim. P. 32.2.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. A Forfeiture Money Judgment in the amount of \$1,200,000.00 is hereby forfeited to the United States and entered against the defendant, JOANNE SIMONETTI.

2. In partial satisfaction of the Forfeiture Money Judgment, the following properties are hereby forfeited to the United States:

(a) all right, title and interest in the real property and premises known as 61 Churchill Avenue, Staten Island, New York, located on the Tax Map of Richmond County as Block No. 7355, Lot 34, held in the name of Ralph Simonetti and Joanne Simonetti; and

(b) all funds held in the name of or for the benefit of Joanne Simonetti individually and/or with any other individual(s)

in an amount not less than \$400,000.00.

3. All payments on the Forfeiture Money Judgment to the United States shall be made by bank or certified check made payable to the "United States Marshals Service, Eastern District of New York" and delivered by hand or overnight mail to Assistant U.S. Attorney Claire S. Kedeshian, United States Attorney's Office, Eastern District of New York, One Pierrepont Plaza, 16<sup>th</sup> Floor, Brooklyn no later than the date the defendant is to be sentenced by the Court.

4. The United States Marshals Service for the Eastern District of New York shall dispose of the forfeited properties and deposit all payments on the Forfeiture Money Judgment in accordance with applicable laws and regulations.

5. Until all the properties are forfeited and the Forfeiture Money Judgment is fully satisfied, defendant, JOANNE SIMONETTI, shall not, directly or indirectly engage in any effort to transfer, sell, assign, pledge, hypothecate, encumber or dispose of in any manner, or cause to be transferred, sold, assigned, hypothecated, encumbered, or disposed of in any manner the properties subject to forfeiture or any substitute assets.

6. Upon entry of this Order, the United States is authorized to seize the forfeited properties and funds and to commence any applicable proceeding to comply with statutes governing third party rights, including giving notice of this

Order.

7. The United States shall publish notice of the order and its intent to dispose of the property in such a manner as the Attorney General (or a designee) may direct. The United States, may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the properties to be forfeited.

8. Any person, other than the above-named defendant, asserting a legal interest in the properties subject to forfeiture may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the court for a hearing without a jury to adjudicate the validity of his alleged interest in the properties to be forfeited, and for an amendment of the order of forfeiture, pursuant to 21 U.S.C. § 853(n), as incorporated by reference in 18 U.S.C. § 981.

9. Any petition filed by a third party asserting an interest in the properties to be forfeited shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the properties to be forfeited, the time and circumstances of the petitioner's acquisition of the right, title or interest in the properties to be forfeited, any additional facts supporting the petitioner's claim and the relief sought. If no third party files a timely claim, this Order shall become the Final Order of

Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

10. Pursuant to Fed. R. Crim. P. 32.2(b)(3), at sentencing, a Final Order of Forfeiture shall be made a part of the defendant's sentence and included in the final Judgment.

11. In accordance with Fed. R. Crim. P. 32.2(b)(3), the United States is hereby authorized to conduct any discovery necessary to help identify, locate, or dispose of any property subject to forfeiture.

12. The United States shall have clear title to the properties to be forfeited following the Court's disposition of all third-party interests, or if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2), for the filing of third party petitions.

13. The Clerk of Court shall forward three certified copies of this order to Assistant U.S. Attorney Claire S. Kedeshian, U.S. Attorney's Office, Eastern District of New York, One Pierrepont Plaza, 16<sup>th</sup> Floor, Brooklyn, New York 11201.

Brooklyn, New York  
Dated: July 18, 2006

SO ORDERED:

s/John Gleeson

  
HONORABLE JOHN GLEESON  
UNITED STATES DISTRICT JUDGE